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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,668	05/29/2001	Satoshi Shimomura	Q64717	4160

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SUGHRUE, MION, ZINN
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2100 Pennsylvania Avenue, NW
Washington, DC 20037

EXAMINER

NGUYEN, JOSEPH D

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 12/12/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,668

Applicant(s)

SHIMOMURA, SATOSHI

Examiner

Joseph D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 7 objected to because of the following informalities: in claim 7 line 8 the word "persona" is missed spelling. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 8-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al. (6,224,486).

Regarding claim 8, Walker et al discloses a computer-readable recording medium which stores a program (#102 fig. 1), the program comprising the steps of:

- a) requesting a person using the recording medium to input personal identification information (#104, #106 fig. 1-2, abstract, col. 6 lines 21-67);
 - b) generating an execution result obtained by executing the program (co. 7 lines 21-65);
- and

c) producing (generate) a total personal password of the person from the personal identification information and the execution result (col. 8 line 44 thru col. 9 line 6).

Regarding claim 9, Walker further discloses a computer-readable recording medium as claimed in claim 8, said program further comprising the step of: executing a predetermined game program to obtain a game program execution result (col. 7 lines 21-65) and to generate the game program execution result as the execution result (col. 8 line 44 thru col. 9 line 6).

Regarding claim 10, Walker further discloses a computer-readable recording mediums as claimed in claim 8, said program further comprising the step of: executing a predetermined educational program (trivia tournament) to obtain an educational program execution result (col. 7 lines 21-65) and to generate the educational program execution result as the execution result (col. 7 lines 21-65, and col. 8 line 44 thru col. 9 line 6).

Regarding claim 11, Walker et al. discloses a program processing device for processing a program stored in a computer-readable recording medium by attaching the recording medium to the program processing device (fig. 1, abstract, col. 5 lines 15-67), wherein the program comprises the steps of: inputting (enter) personal identification information concerned with a person who uses the recording medium (fig. 1-4, col. 6 lines 37-67); generating an execution result obtained by executing the program (col. 7 lines 21-65); and generating a total personal password concerned with the person on

the basis of the personal identification information and the execution result (col. 6 line 21 thru col. 7 line 65).

Regarding claim 12, Walker et al. further discloses a program processing device as claimed in claim 11, wherein the program processing device is implemented by a portable game machine while the program is a game program for the portable game machine (col. 5 lines 15-67).

Regarding claim 13, Walker further discloses a program processing device as claimed in claim 12, further comprising: transmitting means for transmitting both the personal identification information and the total personal password (fig. 1, col. 5 line 15 thru col. 6 line 67).

Regarding claim 14, Walker et al. further discloses a program processing device as claimed in claim 13, wherein the transmitting means is formed by a radio transmitter/receiver for carrying out radio communication (inherently, the input/output device uses to access the wireless telecommunication network connection must have transmitter/receiver for carrying out radio communication) (col. 5 lines 15-67).

Regarding claim 15, Walker et al. discloses a mobile communication system comprising a program processing device for processing a program stored in a recording medium attached thereto and a mobile terminal communicable with the program processing device (abstract, fig. 1, col. 5 lines 15-67) wherein: the program processing device (#102 fig. 1) comprises: means for inputting (I/O device for entering information) personal identification information representative of a person using the recording

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medium (abstract, col. 5 line 15 thru col. 6 line 67); means for executing the program to produce a result of executing the program (col. 5 line 15 thru col. 7 line 65); means for generating (col. 6 line 21 thru col. 9 line 6) a total personal password related to the person on the basis of the personal identification information and the result of executing the program (fig. 1-6, col. 5 line 15 thru col. 9 line 6);

- the mobile terminal (#104, #106 fig. 1) comprising: means for transmitting (enter information and the identifier is communicated to the central controller) the personal identification information and the total personal password (col. 5 line 15 thru col. 6 line 67).

Regarding claim 16, Walker et al. further discloses a mobile communication system as claimed in claim 15, wherein the program processing device is implemented by a portable game machine while the program is a game program for the mobile game machine (video gaming console) (col. 5 lines 15-67).

Regarding claim 17, Walker et al. further discloses a communication device operable in response to personal identification information for identifying each person and a total personal password composed of the personal identification information and personal record data concerned with the person (#102 fig. 1, col. 5 line 15 thru col. 6 line 67), comprising:

a) collating means (compare to determine) for collating the personal identification information with interpreted personal identification information obtained by processing the total personal password received (col. 6 line 21-67);

b) detecting means for detecting whether or not the interpreted personal identification information is coincident with the personal identification information received (col. 6 line 21-48), to produce coincident and noncoincident signals (when the central controller accesses data base and searches the record to determine whether or not the user is existed, which means it produced coincident and noncoincident signals) (col. 6 lines 21-48); and

c) judging means for judging that the person is authentic and not authentic in response to the coincident and the noncoincident signals, respectively (col. 4 lines 11-26,).

Regarding claim 18, Walker et al. further discloses a communication device as claimed in claim 17, further comprising: personal record data processing means (the system uniquely identifies each player as they log on, which means it is processing) for interpreting the personal record data to process the interpreted personal record data only when the judging means judges that the person is authentic (col. 4 lines 11-26, and col. 7 line 21 thru col. 8 line 19).

Regarding claim 19, Walker et al. further discloses a communication device as claimed in claim 18, wherein the personal record data processing means comprises: decision means responsive to the interpreted personal record data, for deciding whether the person passes or fail to produce a decision result signal representative of the pass or the failure (col. 7 line 21 thru col. 8 line 59); and transmitting (send) means for individually transmitting the decision result signal to the person (col. 14 lines 10-47).

Regarding claim 20, Walker et al. further discloses a communication device as claimed in claim 19, wherein the personal record data processing means further comprises: additional transmitting means for transmitting an additional signal representative of a rank and/or an advice with reference to the interpreted personal record data (col. 7 line 21 thru col. 8 line 19).

Regarding claim 21, Walker et al. further discloses a communication device as claimed in claim 19, wherein the decision result signal is transmitted in the form of a radio signal to the subscriber terminal (audible is radio signal) (col. 14 lines 10-24).

Regarding claim 22, Walker discloses a communication system for use in carrying out communication between a subscriber terminal and a server both of which are connected to each other through a network, with the subscriber terminal assigned with a password corresponding to the server (fig. 1, col. 5 lines 15-37, and col. 8 line 60 thru col. 9 line 6), wherein: the server comprises: delivering (send) means for delivering an exercise and/or a game to the subscriber terminal (col. 7 lines 21-44, and col. 14 lines 25-58) while the subscriber terminal comprises reply transmission means for transmitting an answer/an execution result of the subscriber to the exercise and/or the game to the server (col. 7 line 21 thru col. 8 line 19, and col. 14 lines 25-58).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (6,224,486).

Regarding claim 1, Walker et al. discloses a method of carrying out communication between a center side and a personal terminal owned by a person and assigned with personal identification information (fig. 1-3) comprising the steps of:

a) obtaining as personal record data (abstract, fig. 3-6, col. 6 lines 27-67, and col. 7 line 5 thru col. 9 line 6), a result of a workout exercised by the person (col. 7 line 21 thru col. 8 line 59, col. 12 lines 12-39);

b) producing (generating) a total personal password with reference to the personal identification information and the personal record data (when all the information such as: his name, social security number, account number, password of his choosing, etc. plus the result of the tournament are stored, which means it produced a total personal password and record data of the player) (abstract, fig. 3, col. 6 line 27 thru col. 9 line 6); and

c) transmitting the total personal password together with the personal identification information to the center side (communication between device of player and central controller and central controller is stored players' record) (fig. 3-6, col. 6 line 27 thru col. 6 line 50). However, Walker et al. does not specifically disclose a personal record data, and the result is from a workout exercised, but it would have been obvious to one skilled

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in the art that, the player's performance data is the personal record data from the workout exercise (skating performance) in order to be qualified for advancement.

Regarding claim 2, Walker et al. further discloses a method as claimed in claim 1, further comprising in the center side the steps of:

a) receiving the personal identification information (communication between device of player and central controller) (col. 6 lines 27-48), and the total personal password (col. 6 lines 27-48);

b) extracting personal identification information from the total personal password as a detected personal identification information (It is well known in the art. Examiner takes official notice) (col. 6 line 27-48); and

c) collating (when central controller searches the data base to determine whether or not the identifier already exists) the detected personal identification information with the personal identification information received to detect whether or not both are coincident with each other and to confirm whether or not the person is authorized (fig. 3-4, col. 6 line 27 thru col. 7 line 44, and col. 8 line 60 thru col. 9 line 6).

Regarding claim 3, Walker et al. further discloses a method as claimed in claim 2, further comprising the steps of:

a) judging the personal record data included in the total personal password to produce a result of judgement only when the detected personal identification information is coincident with the received personal identification information and the person is

authorized (fig. 2-4, col. 6 line 27 thru col. 7 line 44, col. 8 line 60 thru col. 9 line 6, and col. 12 lines 12-39); and

b) transmitting the result of judgement from the center side by using the received personal identification information to the personal terminal (fig. 2-4, col. 6 line 27 thru col. 7 line 44, col. 8 line 60 thru col. 9 line 6, and col. 12 lines 12-39).

Regarding claim 4, Walker et al. further discloses a method as claimed in claim 3, comprising the steps of:

a) judging that the person is not authorized when the detected personal identification information is not coincident with the received personal identification information (fig. 2-4, col. 6 line 27 thru col. 7 line 44, col. 8 line 60 thru col. 9 line 6, and col. 12 lines 12-39); and

b) carrying out neither judgement of the personal record data nor transmission of any data to the person when in-coincidence is detected between the detected personal identification information and the received personal identification (fig. 2-4, col. 6 line 27 thru col. 7 line 44, col. 8 line 60 thru col. 9 line 6, and col. 12 lines 12-39).

Regarding claim 5, Walker et al further discloses a method as claimed in claim 1, wherein the personal record data are representative of the result of the workout obtained by exercising a predetermined program designated by the center side (col. 7 lines 21 thru col. 9 line 6).

Regarding claim 6, Walker further disclose a method as claimed in claim 5, wherein the predetermined program comprises the steps of: producing (created) the personal record data by practicing a game (fig. 3-6, col. 7 line 21-65); and generating the total personal password from the personal identification information and the personal record data (fig. 3-6, col. 6 lines 27-48, and col. 7 lines 21-65).

Regarding claim 7, Walker et al. further discloses a method as claimed in claim 5, wherein the predetermined program comprises the steps of: executing a predetermined educational program to obtain, as the result of the workout (col. 7 lines 21-65), a result of executing the predetermined educational program (col. 7 lines 21-65), and to generate the result of executing as the personal record data (col. 7 lines 21-65); and generating the total personal password from the result of executing and the persona identification information (col. 8 line 60 thru col. 9 line 6).

6. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (6,224,486) in view of LaDue (6,285,868).

Regarding claim 23, Walker et al. further discloses a communication system as claimed in claim 22, wherein the subscriber terminal comprises: encrypting means (col. 17 lines 17-21). However, Walker et al. does not specifically disclose wherein the subscriber terminal comprises: encrypting means for encrypting the answer and/or the execution result into an encrypted signal; the reply transmission means comprising: means for transmitting a cell phone number assigned to the subscriber terminal together with the encrypted signal.

LaDue teaches the communication system wherein the subscriber terminal comprises: encrypting means for encrypting the answer and/or the execution result into an encrypted signal (fig. 1, 7-9, col. 13 line 28 thru col. 14 line 48); the reply transmission means comprising: means for transmitting a cell phone number assigned to the subscriber terminal together with the encrypted signal (fig. 1, 7-9, col. 13 line 28 thru col. 14 line 48). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Walker et al system with the teaching of LaDue of encrypting the data in order to transmit and receive security information.

Regarding claim 24, Walker et al. further discloses a communication system as claimed in claim 22, wherein the server notifies the subscriber terminal of a judgement result by using the received cell phone number (col. 12 lines 12-39, and col. 14 lines 10-47). However, Walker et al. does not specifically disclose a judgment result by using the received cell phone number. But, it would have been obvious to one skilled in the art that the server has to notify the user by using the received cell phone number when the user is using the cell phone to communicate.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

703 308-9051, (for formal communication intended for entry)

Or:

(703) 305-9509 (for informal or draft communications, please label
"PROPOSED" OR "DRAFT")

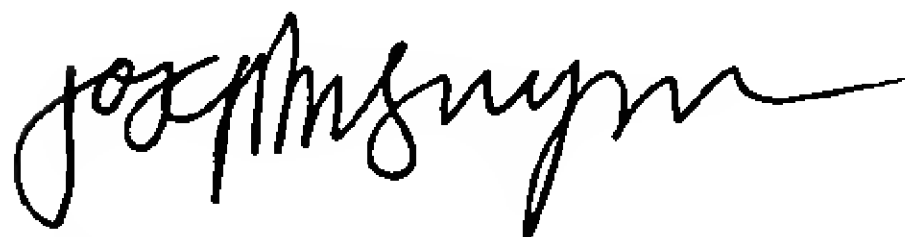
Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA. Sixth floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Joseph D Nguyen whose telephone number is (703)
605-1301. The examiner can normally be reached on 7:00 AM to 4:30 PM.

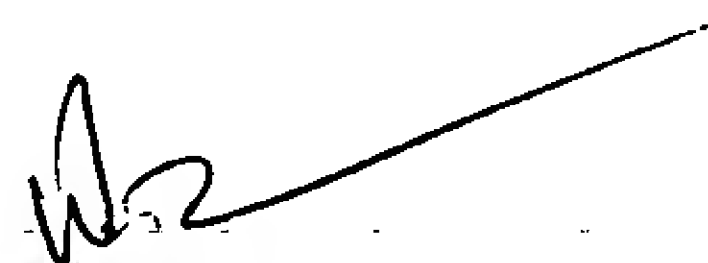
If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, William Trost can be reached on (703) 308-5318. The fax phone numbers
for the organization where this application or proceeding is assigned are (703) 872-9314
for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is (703) 306-
0377.

Joseph Nguyen



Nov. 10, 2003



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600